

REMARKS

After entry of this amendment, claims 25-45 remain pending. In the present Office Action, claims 25-35, 39-41, and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gamache et al., U.S. Patent No. 6,243,825 ("Gamache") in view of Aiken, Jr. et al., U.S. Patent No. 6,430,622 ("Aiken") and Sun et al., U.S. Patent No. 6,442,663 ("Sun"). Claims 36 and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gamache in view of Aiken, Sun, and Yu et al., U.S. Patent No. 5,734,865 ("Yu"). Claims 37 and 43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gamache in view of Aiken, Sun, Yu, and Primak et al., U.S. Patent No. 6,389,448 ("Primak"). Claims 38 and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gamache in view of Aiken, Sun, Yu, and alleged Applicants Admitted Prior Art ("AAPA"). Applicants respectfully traverse these rejections and request reconsideration.

The present Office Action essentially retains the previous rejection, adding Sun to allegedly teach the software module interposed between the first application and the operating system. Applicants respectfully disagree that Sun teaches the software module, and further disagree with the rejection. Applicants respectfully submit that the remarks made in the Response filed August 17, 2005 and the preliminary amendment filed September 12, 2005 remain valid, and incorporate them herein by reference.

Specifically, in the Advisory Action dated September 2, 2005, states that the Examiner interprets the application on the *first* computer as the first process of claim 25 and the application on the *second* computer as the first application comprising one or more second processes (see Advisory Action, page 2, last paragraph). The Advisory Action goes on to state that the operating system is the operating system on the *first* computer (see Advisory Action, page 3, last paragraph, extending to page 4) and that the external name service/storage device is interposed between the operating system on the first computer and the application on the second computer.

Accordingly, software on two different computers, as well as the external name service/storage device, are cited to allegedly teach various features of claim 25. However, claim 25 states: "initiating a first process on a computer...assigning a unique virtual Internet Protocol (IP) address and virtual hostname to the first application on the computer ... the first process registering the virtual IP address and the virtual hostname with a software module on the computer, ... the first application executing on the operating system on the computer during use and the software module executing on the operating system on the computer during use; the first process initiating at least one of the one or more second processes [of the first application, from the first element of claim 25] on the computer". Thus, claim 25 recites that the first process, the first application (comprising the one or more second processes) the software module, and the operating system all execute on the same computer.

Additionally, the present Office Action uses Sun's data structure MSRLT to allegedly teach the software module. However, the software module executes on the operating system on the computer during use, as recited in claim 25. Sun's data structure does not execute, it merely holds data.

For at least the above stated reasons, Applicants respectfully submit that claim 25 is patentable over the cited art. Claims 26-38, being dependent from claim 25, are similarly patentable over the cited art for at least the above stated reasons as well. Each of claims 26-38 recites additional combinations of features not taught or suggested in the cited art.

Claim 39 recites a combination of features including: "a plurality of instructions which, when executed as a first process on a computer: register a unique virtual IP address and a virtual hostname assigned to a first application on the computer with a software module interposed between the first application and an operating system on the computer, wherein the software module is executed on the operating system on the computer during use; and initiate at least one of one or more second processes on the computer, wherein the first application comprises the one or more second processes,

wherein the at least one second process inherits the virtual IP address and the virtual hostname from the first process on the computer." The same teachings highlighted above with regard to claim 25 are alleged to teach combination of features recited in claim 39. Applicants respectfully submit that the cited art does not teach or suggest the above highlighted features of claim 39, either.

For at least the above stated reasons, Applicants respectfully submit that claim 39 is patentable over the cited art. Claims 40-45, being dependent from claim 39, are similarly patentable over the cited art for at least the above stated reasons as well. Each of claims 40-45 recites additional combinations of features not taught or suggested in the cited art.

CONCLUSION

Applicants submit that the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-22700/LJM.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Request for Approval of Drawing Changes
- ☐ Notice of Change of Address
- ☐ Fee Authorization Form authorizing a deposit account debit in the amount of \$
for fees ().
- ☐ Other:

Respectfully submitted,



Lawrence J. Merkel
Reg. No. 41,191
AGENT FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800

Date: 12/2/05